

Remarks:

Reconsideration of the application is respectfully requested.

Applicants' would like to thank Examiner Jeanglaude for the courtesy shown to Applicants' representative in a series of telephone calls leading up to, including and after the Telephonic interview of February 8, 2005.

In the present case, Applicants received a first Office Action dated September 13, 2004, allowing all claims 1 - 24, but for the correction of certain informalities. The Office Action indicated that except for the formal matters, prosecution as to the merits was closed in accordance with the practice under Ex parte Quayle.

In response to the Office Action, Applicants addressed the formal matters and added new claims 25 - 65. An Advisory Action, dated February 2, 2005 was mailed to Applicants, in which new claims 25 - 65 were objected to. It was indicated in the Advisory Action that the proposed amendments would not be entered.

In response to the Advisory Action, Applicants' representative requested by telephone conversation with the Examiner that the Advisory Action be withdrawn and a Notice of Allowance be issued, as to claims 1 - 24, along with a notice of entry of

the amendment in part, pursuant to MPEP §714.20(C), which states:

"(C) In an application in which prosecution on the merits is closed, i.e., after the issuance of an *Ex Parte Quayle* action, where an amendment is presented curing the noted formal defect and adding one or more claims some or all of which are in the opinion of the examiner not patentable, or will require a further search, the amendment in such a case will be entered only as to the formal matter. Applicant has no right to have new claims considered or entered at this point in the prosecution." [emphasis in original]

During the telephone conversation, Examiner Jeanglaude pointed out additional informalities in Applicants' claims 14 and 15 that would need to be corrected prior to issuance of a notice of allowability on claims 1 - 24.

In a subsequent telephone conversation, it was discussed that Examiner Jeanglaude would issue the present Notice of Non-Compliant Amendment, which would restart the period for response and provide thirty (30) days for the Applicants to file a Request for Continuing Examination (RCE) with a Preliminary Amendment, so as to have all sixty-five claims entered and considered. On February 14, 2005, Applicants filed the agreed upon RCE with a Preliminary Amendment addressing the informalities raised in previously presented claims 14 and 15.

It is believed that the filing of the RCE and Preliminary Amendment in the present case, as was agreed between the Examiner and Applicants' representative, has addressed the issues raised in the present Notice of Non-Compliant Amendment, and that nothing further is needed from Applicants' at this time.

Because it is believed that the Notice of Non-Compliant Amendment restarted the time period for Applicants' response, Applicants' believe that no additional extension of time fees were necessary for the filing of the RCE on February 14, 2005. The Notice of Non-Compliant Amendment itself indicates that a new time period of the longer of one month or thirty days is provided to Applicants when, as in the present case, the Notice of Non-Compliant Amendment was issued based on an amendment filed in response to a Quayle action. However, Applicants' representative's deposit account was charged \$900.00 for a further extension of time when the RCE was filed on February 14, 2005. Applicants' representative plans to file a separate paper requesting a refund for the fees charged for the extension of time.

As such, it is believed that the Preliminary Amendment filed in the present case addresses the issues raised in the Notice of Non-Compliant Amendment, and further puts claims 1 - 65 in

Applic. No. 10/727,801
Response Dated February 25, 2005
Responsive to Office Action of February 18, 2005

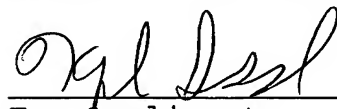
condition for allowance. Allowance of claims 1 - 65 is
therefore, respectfully requested.

In the event that the Examiner should find any of the claims
to be unpatentable, counsel would appreciate receiving a
telephone call so that, if possible, patentable language can
be worked out.

If an extension of time for this paper is required, petition
for extension is herewith made.

Please charge any fees that might be due with respect to
Sections 1.16 and 1.17 to the Deposit Account of Lerner and
Greenberg, P.A., No. 12-1099.

Respectfully submitted,



For Applicants

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KPS:cgm

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